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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,619	04/06/2001	Helen B. Meyer	2543.01US02	5836

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EXAMINER

BREVARD, MAERENA W

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 07/08/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Application No.

09/828,619

Applicant(s)

MEYER, HELEN

Examiner

Maerena W. Brevard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-9, 12-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-9, 12-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11. 6) ☐ Other: _____

*original
not in file*

9/24/03

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mountable devices and the mountable devices being drainage reservoirs (see claims 18 and 19) must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2, 8, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Crane.

Crane discloses a strap assembly (Figure 1) comprising:

- A waist strap (102) including first and second ends;
- Fasteners (22a, 22b) attached to the first and second ends;
- A shoulder strap device (12) including one or more straps adjoined to the waist strap in at least two positions (28, 29);
- The shoulder strap device comprises a halter strap (14);
- One or more front straps (20) is releasably adjoined to the shoulder strap device;
- and
- The mountable devices are tools (100).

In further regards to claims 8 and 9, it is noted that the applicant is only functionally claiming the devices (See MPEP 2112).

Regarding claim 12, the method of supporting one or more mountable devices on an individual is inherent with the use of the strap assembly of Crane.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 3, 5, 7-9, 12, 13, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCook in view of Knerr.

McCook discloses a strap assembly comprising a waist strap (11) including first and second ends, fasteners (16) attached to the first and second ends, a shoulder strap device (10) including one or more straps adjoined to the waist strap in at least two positions (17), and the shoulder strap device comprises a halter strap (12), but does not teach one or more front straps releasably adjoined to the shoulder strap device. However, Knerr teaches a front strap (90, Figure 2) releasably adjoined to the shoulder strap device. It would have been obvious to use the front strap as taught by Knerr on the strap assembly of McCook. Doing so would provide additional support for the strap assembly.

Regarding claim 3, the strap assembly of McCook discloses an additional strap (14) that extends from the middle of the halter strap to the middle of the waist strap.

Regarding claims 7 and 17, Knerr discloses the claimed invention except for the front straps including hook and loop material for releasably securing the front strap to the shoulder strap device. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to replace the buckles with hook and loop fasteners since the examiner takes Official Notice of the equivalence of hook and loop fasteners and buckles for their use in the fastening art and the selection of any of these known equivalents to releasably secure the ends of straps would be within the level of ordinary skill in the art.

Regarding claims 12, 13, 15, and 18 the method of supporting one or more mountable devices on an individual is inherent with the use of the modified strap assembly of McCook.

Regarding claim 19, McCook discloses a nursing bottle as a mountable device (Column 2, lines 42-45), wherein in as much structure is set forth by applicant, the nursing bottle is a "drainage reservoir".

6. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane.

Crane discloses the claimed invention except for the one or more front straps having hook and loop material for releasably securing the front strap to the shoulder strap device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the stitched ends (20a, 20b) of the front straps with hook and loop fasteners for adjustment along the shoulder straps, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Regarding claim 17, the method of supporting one or more mountable devices on an individual is inherent with the use of the strap assembly of Crane.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ritter and Painter are cited for strap assemblies.

8. **This action is non-final.**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037.

The examiner can normally be reached on M-Th; 8:00 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703/308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9302 for regular communications and 703/872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-0037.

Maerena Brevard
September 24, 2003